



UNITED STATES PATENT AND TRADEMARK OFFICE

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COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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Ted K. Ringsred  
3M/Office of Intellectual Property Counsel  
P.O. Box 33427  
St. Paul, MN 55133-3427

In Re: Patent Term Extension  
Application for  
U.S. Patent No. 5,238,944

APPLICATION NOT ELECTED

The application for patent term extension for U.S. Patent No. 5,238,944, which claims the human drug product ALDARA™, is dismissed.

A single request for reconsideration of this dismissal of the application for patent term extension may be made if filed within one month of the date of this notice. Extensions of time under 37 CFR § 1.136(a) are not applicable to this time period.

The application for patent term extension for U.S. Patent No. 4,689,338 was extended based upon the regulatory review period of ALDARA™. Since only one patent may be extended based upon the regulatory review period of a product, the application for patent term extension for 5,238,944 cannot be granted.

Any correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents  
Box Patent Ext.  
Washington, D.C. 20231

By FAX: (703) 872-9411  
Attn: Office of Patent Legal Administration

Telephone inquiries related to this determination should be directed to the undersigned at (703) 306-3159.

Karin Tyson  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Deputy Commissioner  
for Patent Examination Policy

cc: David T. Read  
Acting Director Health Assessment Policy Staff, CDER  
Food and Drug Administration  
1451 Rockville Pike, HFD-7  
Rockville, MD 20852

RE: ALDARA™  
FDA Docket No.: 97E-0269